

August 15, 2012

Atul C. Shah, MD  
2884 Manorwood Drive  
Troy, Michigan 48085  
Telephone (248) 879-0795 Home  
Telephone (248) 835-5025 Cell Phone

Representing Himself (Atul Shah) for  
MLC GUC Claim No. 28820 filed by Atul Shah

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re	Chapter 11 Case No.
MOTORS LIQUIDATION COMPNAY, et al., F/k/a General Motors Corp., et al.	09-50026 (REG)
Debtor	(Jointly Administered)

**OBJECTIONS FILED BY ATUL C. SHAH, MD., CREDITOR,  
TO THE "PROPOSED ORDER" DISALLOWING AND  
EXPUNGING PROOF OF CLAIM NUMBER 28820**

**NOW COMES** Atul C. Shah, M.D., *In Pro Se*, and hereby files his Objections to the Proposed Order Granting Debtor's Objections to Proof of Claim Number 28820 filed by Atul Shah. In support of his Objections, Atul Shah states as follows.

**INTRODUCTION**

Honorable Robert E. Gerber gave his judgment or conclusion on May 15<sup>th</sup>, 2012 at the United States Bankruptcy Court, New York, New York in the presence of Plaintiff Atul C. Shah, MD and in the presence of Defendant attorneys from Dickstein Shapiro LLP representing Motors Liquidation Company GUC Trust.

Atul C. Shah, MD presents **four objections** to the Proposed Order [**Exhibit A**] as follow:

**1.** Atul C. Shah believes that the court had no authority to make its “**Decision on Objection**” which was contingent upon whether Atul C. Shah would appeal the judgment or not.

**2.** Deborah Kelly was granted permission to practice *Pro Hoc Vice* even though her apparent sponsor Stephanie Greer did not know whether the application had been granted or not. Also, the court did not know if the proper procedures had been followed for Ms Kelly’s application.

**3.** The Proposed Order does not dispose of all the issues in the case. Specifically, the Honorable Court did not make any decision on Atul C. Shah’s “**Motion to Vacate the Judgment**” forwarded on July 4, 2012 (ECF Doc 12002).

**4.** Description of Perceptions, Lack of Perceptions and Misperceptions in the court system.

### **Objection Number 1: Decision on Objection**

Honorable Judge Robert E. Gerber rendered his judgment or Conclusion on May 15, 2012 at Bankruptcy court stating that Honorable Judge will provide lengthy dictated decision or putting in writing if Atul C. Shah, MD prefers to appeal the court ruling [**Exhibit B** from transcript page 80 lines 22 to 23].

I received twenty two pages Decision Letter with ninety eight citations that were electronically signed by the Honorable Judge Robert E. Gerber dated on August 6, 2012. This letter indicates that the Court Decision was memorialized and amplified as well as delivered orally on May 15, 2012.

Decision on Objection is not necessary for Atul C. Shah, MD to make an appeal. The court already had my proof of claim, defendant's objection of proof of claim, my written response and their reply to my response. All the arguments and documents were preferably and hopefully read by the Honorable Judge Robert E. Gerber on May 15, 2012 at the United States Bankruptcy Court in New York.

The proposed order should be based upon the **Transcript of Hearing** rendered on May 15, 2012 rather than based upon the objection dated August 6, 2012 nearly after three months of delay in delivering the judgment.

I believe that the Propose Order from defendant attorneys from Dickstein Shapiro dated on August 9, 2012 reflects primarily the wish and decision of my adversaries rather the decision from the Honorable Judge Robert E. Gerber.

I may humbly request Honorable Judge Robert E. Gerber to render his true and real judgment for my claim as soon as possible.

**Objection Number 2: Pro Hac Vice for Deborah Kelly was inappropriate**

I believe that Pro Hac Vice for defendant attorney Deborah Kelly who was introduced by defendant attorney Stefanie Greer on May 15, 2012 was inappropriate. The qualification and status of motion to practice Law was unknown at the time of her introduction and presentation [**Exhibit B** transcript page 59, lines 1 to 13].

The United States Bankruptcy Court Southern Division has published rules that must be followed prior to an attorney can practice Pro Hac Vice. I believe that the judgment base upon an attorney whose credentials are not fully scrutinized should not be valid per the court rules.

**Objection Number 3: Motion to Vacate the Judgment**

I entered or filed a “**Motion to Vacate the Judgment**” dated June 15, 2012 and entered by court on Aug 6, 2012 (ECF Doc 12002). I forwarded this “Motion to Vacate the Judgment” to the Honorable Judge Robert E. Gerber, defendant attorneys of Dickstein Shapiro and several attorneys that were affiliated with my claim.

I believe that the Honorable Court may not have read in entirety “**Motion to Vacate Judgment**” dated on June 25, 2012 (ECF 12002). However, I read a written comment by the Judge indicating that “No additional judicial action is necessary”.

I humbly believe that this kind of inaction by the Honorable Court is not proper.

**Objection Number 4: Perceptions, Lack of Perception and Misperceptions**

Honorable Judge Robert E. Gerber believe that the “Discrimination, Injustice and Abuse of Power” as explicitly described in my eleven page EEOC letter and my Response letter dated May 4, 2012 are Nothing but the Perceptions by Dr. Atul C. Shah, MD [**Exhibit B** Transcript Page 80, lines 14 & 15].

I humbly believe that Perceptions, Lack of Perceptions and Misperceptions are extremely profound subject matter for the Law Practitioners, Scientists and General Public in past, at present and in the future.

I believe that Nobel Laureate Scientists, Physicists and Physicians are unable to define scientifically and accurately the variety of Perceptions. Modern Scientific Theories and the Modern Innovations created by modern mankind in USA other places are incapable in providing accurate and scientific definition of the variety of Perceptions, Lack of Perceptions and Misperceptions.

The Man-made Constitutional Laws and the applicable Laws of Court System as practiced past many centuries are deficient and defective. The applicable laws primarily able to identify those activities are performed with the help of Gross Body of a person. These verifiable activities by a person can be Criminal or Civil infarctions.

The subtle activities performed with the help of Mind, Intelligence and Ego of a person is considered as the Perception, Lack of Perception and Misperceptions.

The applicable Laws are unable to detect or prove any tangible evidences for the activities that were performed with the help of Mind, Intelligence and Ego of a person.

I believe that Honorable Judge Robert E. Gerber unable to find out the subtle and unverifiable Perception of Discrimination, Injustice and Power of Abuse as described in EEOC letter and my Response letter dated May 4, 2012 as mentioned earlier.

**In summary:** if the Nobel Laureate Scientists, Physicists and Physicians are unable to provide scientific and accurate definition of Perceptions, Lack of Perceptions and Misperceptions, then, I am certain that attorneys, Supreme Court Judges and other Law Practitioners as well as General Public will not be able to prove or disprove the **“Perceptions, Lack of Perceptions and Mis-perceptions”**.

I strongly believe that defendant attorneys from Dickstein Shapiro and the Honorable Judge Robert E. Gerber were unable to perceive the **“Discrimination, Injustice and Abuse of Power”** as perceived by me and described in my documents.

I strongly believe that the Super-scientific concepts of the Vedic Literature from India with authoritative English translation by the Vedic Scholars from USA and India can authoritatively describe the Subtle Mental Activities such as Perception, Lack of Perception and Misperceptions of any person. I consider myself as one of the Vedic Scholar from USA and India.

There is no wonder that the applicable laws of the Judiciary System are unable to detect the Subtle Mental Activities of Perceptions with their defective and disorganized applications.

Modern man-made Constitutional Laws and modern applicable laws are deficient and limited as well as unable to provide fair and accurate judgments for the General Public in USA, India and other countries.

This is my perception and my humble and person opinion as relate with my claim.

### **Conclusion**

The Proposed Order submitted on August 9, 2012 (ECF Doc 12001) contains at least four errors. First, the court had my written proof of claim with exhibits from the EEOC and from the Federal District Court in Michigan. The Court also had the GUC Trust's Objection to my claim, my response to the objection and the GUC Trust's Reply to that Response. The Court had all this information well before the scheduled hearing date on May 15, 2012.

I appeared for the hearing at the court at my personal expense. The court decided that only **if I prefer to appeal**, then, the court will add a lengthy Decision on my objection. The Court seemed concerned about the short time to appeal from a bankruptcy proceeding.

I informed the court that I would appeal the decision. I believe that appeal should be based on the transcript and record, on the rationale findings and conclusions of law which were made in open court. I now have a short time to digest 22 page decisions with 98 citations (ECF Doc 12001 filed on 08/06/2012). The decision on objection should not be the basis of my appeal. The transcript is sufficient. The decision was delayed for my case by nearly three months.

The proposed order should not be permitted because the attorney who argued for the defendant attorney was not properly permitted to practice in that court *pro hac vice*.

The proposed order should not be entered because my motion to set aside the judgment was ignored, neither granted nor denied. Finally, the proposed order should not be entered because the defendant attorneys Stefanie Greer, Deborah Kelly and Anamay Carmel as well as the Honorable Judge Robert E. Gerber have had difficulty in understanding of "Discrimination, Injustice and Abuse of Power". They merely considered my description of discrimination as perception and nothing else.

I may humbly request the Honorable Court not to dismiss, expunge nor disallow my claim. Honorable Court should proceed further with my claim.



Respectfully submitted,

Atul C. Shah, MD  
Creditor  
Troy, Michigan

Dated August 15, 2012

Copy of this Objection has been sent to the following Recipients who are affiliated with this case by email or letter via regular mail:

1. Dickstein Shapiro, LLP, attorneys for the GUC Trust, 1633 Broadway, New York, New York 10019-6708 (Attn: Barry N. Seidel, Esq., and Stefanie Birbrower Greer, Esq., Anamay Carmel, Esq., Alden O'Neil, Esq., Kenneth Griffith, Esq.)
2. Deborah Kelly, attorney as Employment Discrimination Specialist by Dickstein Shapiro, LLP
3. The Debtor, c/o Motor Liquidation Company, 401 South Old Woodward Avenue, Suite 370, Birmingham, Michigan 48009 ( Attn: Thomas Morrow)
4. General Motors, LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.)
5. Cadwalder, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York New York 10281 (Attn: John J. Rapisardi, Esq.)
6. The United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.)
7. Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47<sup>th</sup> Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq)
8. Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 ( Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud Esq., and Jennifer Sharret, Esq.)
9. The Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York 10004 (Attn: Tracy Hope Davis, Esq.)
10. The U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuehler, Esq.)
11. Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35<sup>th</sup> Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin,

- Esq.) and one Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, ESq.)
12. Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation, attorneys for Dean M. Trafelet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.)
  13. Gibson, Dunn & Crutcher LLP, attorneys for Wilmington trust Company as GUC Trust Administrator and for Wilmington Trust Company as Avoidance Action Trust Administrator, 200 Park Avenue, 47<sup>th</sup> Floor, New York, New York 10166 (Attn: Keith Martorana, Esq.)
  14. FTI Consulting. As the GUC Trust Monitor and as the Avoidance Action Trust Monitor, One Atlantic Center, 1201 West Peachtree Street, Suite 500, Atlanta, Georgia 30309 (Attn: Anna Phillips)
  15. Crowell & Moring LLP, attorneys for the revitalizing Auto Communities Environmental Response Trut, 590 Madison Avenue, 19<sup>th</sup> Floor, New York, New York 10022-2524 (Attn: Michael V. Blumenthal, Esq.)
  16. Kirk P. Watson, Esq. as the Asbestos Trust Administrator, 2301 Woodlawn Boulevard, Austin, Texas 78703.
  17. Bob McQuade, Retired Lawyer, 8118 Center Line, MI 48015
  18. Satyam Talati, Esq., Attorney, Troy, Michigan